

very limited nature of our government, as compared with that of England, it may be confidently affirmed, that this court would be acting entirely within the range of its unquestionable authority, in going fully as far as the English tribunals have gone, in controlling all legislative enactments, in relation to private property; by disregarding the facts assumed in the enactment, when found to be untrue; by setting such legislative enactments aside when obtained by fraud; and by confining their operation, so as to prevent them from impairing the obligation of contracts, or affecting the rights of purchasers, or the interests of third persons who are strangers to them. And in treating all special and private legislative enactments as a sort of conveyances which can only be allowed to bind those who are parties to them by having asked for or assented to their passage. (z)

Where it appeared, that, in consequence of a misrepresentation to the general assembly, the party had obtained that which he could not have obtained on a fair and full statement of facts; that he had not only concealed facts, which, if known, would have defeated his purpose; but had suggested a matter which he knew to be contrary to the truth. It was held by this court to be inconsistent with reason and justice to suppose, that, because the defendant's patent was sanctioned by an act of the legislature, his title must be clear and indefeasible; and that the court was precluded from an examination of the circumstances alleged in the bill. That the legislature, not being constituted for the investigation of facts, relative to the rights of individuals, or of matters in controversy between private persons, it never could be admitted, upon any sound principle of justice, that any allegation or matter of fact assumed in a legislative enactment should be considered as incontrovertible by any one not a party to it. For even if the legislature should be deemed a tribunal competent to the examination of facts, and that too from which there should be no appeal, it was certainly an universal rule, that no man should be affected by a decision to which he was neither party nor privy. (a) Nor is the truth of any fact thus assumed in an act of one general assembly, considered as at all conclusive upon their successors. As where it had been asserted, that the object contemplated by the act incorporating *The Potomac Company* had been accomplished; (b) the truth of that

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(z) Beall v. Harwood, 2 H. & J. 171; Owings v. Speed, 5 Wheat. 420; Cassell v. Carroll, 11 Wheat. 149.—(a) The State v. Reed, 4 H. & McH. 10; Fisher v. Lane, 3 Wilson, 302; 1826, ch. 164.—(b) 1802, ch. 84.